

PURPOSE

To ensure the rights of youth are protected from the inappropriate use or extended duration of seclusion and/or isolation, thus protecting the health and safety of youth(s), staff and visitors.

DEFINITIONS

Seclusion

Seclusion means the *involuntary* placement of a youth in a room alone, where the youth is prevented from exiting by any means, including the physical presence of a staff if the sole purpose of that staff is to prevent the youth from exiting the room. Seclusion **does not** include the use of a sleeping room during regular sleeping hours to ensure security precautions appropriate to the condition and circumstances of a youth placed with the facility as a result of an order of the family division of circuit court under section 2(a) and (b) of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, if the youth's treatment plan indicates that the security precautions would be in the youth's best interest. MCL 722.112b(1)(j).

Seclusion Room

Seclusion room means a room or area approved for the confinement or retention of a single resident. The door to the room may be equipped with a security locking device which operates by means of a key or is electrically operated and has a key override and emergency electrical backup in case of a power failure. Mich Admin Code, R 400.4101(z).

See [JRG, JJ Residential Glossary](#).

RESPONSIBLE STAFF

Designated in the facility standard operating procedure.

PROCEDURE

Each facility is required to develop and implement standard operating procedures relative to the use of seclusion. At minimum, these standard operating procedures must contain the requirements outlined in this policy item.

GUIDELINES FOR USE OF SECLUSION

Seclusion must be used in a manner that is safe, appropriate and proportionate to the severity of the youth's behavior, chronological and developmental age, size, gender, physical condition, medical condition, psychiatric condition, and personal history, including any history of trauma. Mich Admin Code, R 400.4161(a).

Before establishing a seclusion room, the facility director or designee must obtain written approval from the Michigan Department of Health and Human Services (MDHHS) Department of Child Welfare and Licensing (DCWL) consultant, DCWL director and the bureau of fire services (Mich Admin Code, R 400.4160). Approval must also be obtained prior to changing the facility's policy(ies) related to the use of a seclusion room. Mich Admin Code, R 400.4160(2).

Note: In cases where dual wards (delinquent wards with an open foster care case) are isolated, or secluded, the additional requirements in [FOM 722-2A, Corporal Punishment and Seclusion/Isolation](#), must be followed.

Using Seclusion

Seclusion may only be used:

- If the youth is in danger of jeopardizing the safety and security of oneself or others. Mich Admin Code, R 400.4161(b).
- For the time needed to change the behavior compelling its use. Mich Admin Code, R 400.4161(c).

Facility staff are responsible for ensuring only one (1) youth is placed in a seclusion room at a time. Mich Admin Code, R 400.4161(d).

With the approval of the facility director and/or designee(s), facility staff may require youth to remain in their assigned rooms for up to 30 minutes to accommodate staff shift changes. Mich Admin Code, R 400.4137(1). The seclusion room must be equipped to minimize suicide risk and risk of physical injury. Break resistant glass glazing and/or security screening shall be provided. Mich Admin Code, R 400.4161(g).

Youth in secure juvenile justice residential treatment facilities may be confined/secluded in a room as punishment for misconduct. Mich Admin Code, R 400.4163(1).

Youth shall not be placed in a seclusion room for more than 72 hours, including time spent in the seclusion room for out-of-control behavior. Mich Admin code, R 400.4163(2)(d).

Every 30 days, designated facility staff must conduct a review to determine whether there is a continuing need for separation from the general population for every youth placed in isolation. 28 CFR 115.342(i).

Supervisor Approval

Supervisory approval is required prior to facility staff using seclusion as a form of punishment. Mich Admin Code, R 400.4163(2)(a).

Facility staff are required to obtain supervisory approval every time a youth remains in the seclusion room for more than an hour. Mich Admin Code, R 400.4162(3). See [JRM 530, Incident Reports](#) for documentation requirements.

Youth Rights

Placing youth in seclusion must be used as a last resort when less restrictive measures are inadequate to keep them and other youth and staff safe, and only until an alternative means of keeping youth safe can be arranged. 28 CFR 115.342(b).

Pursuant to Mich Admin Code, R 400.4163(2)(b)(i) and(ii), before a youth is placed in a seclusion room, staff are required to:

- Provide the youth with a written notice of the alleged misconduct that required the use of the seclusion room.
- Provide the youth written notice of the steps/actions they can take to be released.

Seclusion must be performed in a manner that is safe, appropriate and proportionate to the severity of the youth's behavior, chronological and developmental age, size, gender, physical condition and personal history, including any history of trauma. Mich Admin Code, R 400.4161(a).

Pursuant to Prison Rape Elimination Act, National Standards for Juvenile Facilities, 28 CFR 115.378(b), in the event a disciplinary sanction results in the seclusion of a youth, facility staff must not deny the youth daily large-muscle exercise or access to any legally required educational programming or special education services.

Lesbian, gay, bisexual, transgender or intersex youth must not be secluded or isolated on the basis of such identification or status. 28 CFR 115.342(c).

Youth in isolation and/or seclusion must receive daily visits from a medical or mental health care clinician. 28 CFR 115.342(b).

Notifications

See JRM 510, Reporting Unusual Incidents.

Monitoring Requirements

Facility staff are required to conduct room checks at intervals of fifteen (15) minutes or less and shall record the observation in a seclusion room log. Video surveillance shall not be the only means of observation. Mich Admin Code, R 400.4161(e). Greater frequency should be used when appropriate.

When youth are asleep or otherwise outside of the direct supervision of staff, staff must perform variable interval, eye-on checks of youth. The time between the variable interval checks must not exceed fifteen (15) minutes. Mich Admin Code, R 400.4127(4).

Monitoring devices or devices in the seclusion room must be on and monitored by staff when a youth is in the room. Mich Admin Code, R 400.4161(h).

APPROVAL REQUIREMENTS FOR EXTENDED USE

The facility director and designee(s) are required to conduct and document an administrative review, within 48 hours, for each instance that a youth is in the seclusion for three (3) hours or more. Mich Admin Code, R 400.4162(5). See [JRM 530A, Incident Review](#) for documentation requirements.

Requires due process hearing (see [JRM 631](#)) for isolation exceeding 24 hours.

Requires approval of facility director or designee for seclusion exceeding 72 hours.

State Operated Facilities Only

Requires approval from the director of Juvenile Justice for seclusion exceeding 72 hours.

**PROGRAM
REINTEGRATION**

Facility staff must not use reintegration in conjunction with seclusion that has been used as a sanction for misconduct, if that would extend a youth's seclusion for more hours than the original sanction or more than 72 hours. Mich Admin Code, R 400.4164.

Staff can release a youth from a seclusion room as soon as the youth regains self-control and processes with the youth the events that led to being placed in a seclusion room. Staff must coordinate youth returning back into the program with supervisors and/or managers.

Following release from a seclusion room, the youth may file a grievance. See [JRM 213, Youth and Family Grievances](#) for more information.

Reintegration Plan

Pursuant to Mich Admin Code, R 400.4164(b)(i)-(v), when a youth has been in a seclusion room for more than two (2) hours, supervisory staff are to develop a reintegration plan that includes:

- A clear statement of the out-of-control behavior or risk to others that requires continued use of the seclusion room.
- Target behavioral or therapeutic issues that must be resolved.
- Specific reintegration requirements or behavioral or therapeutic intervention assignments and goals that must be completed while the youth is in the seclusion room, listed in writing and shared with the youth.
- If intermittent removal from the seclusion room is required for the youth to work on the specific behavior/therapeutic

intervention goals, the level of restriction from the program and goals for the period of time out of the room must be listed in writing and shared with the youth.

- The strategies facility staff are going to use to assist the youth in resolving the issues requiring seclusion and reintegration into the program.

The integration plan must not last longer than 72 hours. Mich Admin Code, R 400.4164(d).

DOCUMENTATION

If a youth is isolated, designated facility staff must clearly document (28 CFR 115.342(h)(1)-(2)):

- The basis for the facility's concern for the youth's safety.
- The reason why no alternative means of separation can be arranged.

Facility staff are required to document the monitoring of youth in a seclusion room via seclusion log. Pursuant to Mich Admin Code, R 400.4161(f) & R 400.4163(2)(f), the seclusion log must contain the following information:

- Name of the youth.
- Name of the staff responsible for placing the youth in seclusion.
- Description of specific behavior requiring use or continued use of the seclusion room and interactive strategy for removal.
- Medical needs addressed during seclusion, including medication administration.
- Time of observation/monitoring of the youth.
- Time of each removal from the seclusion room.

The seclusion log must contain documentation of the supervisory approval and the reason for continued use. Mich Admin Code, R 400.4162(4).

If a youth remains in seclusion for more than an hour, the seclusion log must contain documentation of supervisory approval and the

reason for continued use. Mich Admin Code, R 400.4162(3). See *Documentation* in this policy for more information.

If the youth remains in seclusion for more than two hours, the seclusion log must contain hourly supervisory approval and the reasons for continued use. Mich Admin Code, R 400.4162(4). See *Documentation* in this policy for more information.

If the youth remains in seclusion for more than three hours, administrative review above the level of the supervisor who approved the extended use shall be completed and documented within 24 hours. Mich Admin Code, R 400.4162(5).

Facility staff are required to document in *MiSACWIS, Incident Reports*, when a youth is placed in seclusion. For more information on documentation see [JRM 530, Incident Reports](#).

For the purpose of analyzing the effectiveness of the intervention for controlling behavior in the program, the facility director and/or designee must track, Mich Admin Code, R 400.4162(2):

- All instances of the use of a seclusion room.
- The length of each confinement.
- The frequency of individual youth confined.
- The reason for the confinement.
- The staff who initiated the confinement.

LEGAL

Federal

Prison Rape Elimination Act (PREA), National Standards for Juvenile Facilities, 28 CFR 115.342(b) & (c).

Allows for youth to be placed in isolation as a last resort when less restrictive measures are inadequate to keep them and others safe and only until alternative means of keeping all youth safe can be arranged. Requires facility staff to provide daily large muscle exercise, legally required educational programming or special education services and daily visits from a medical or mental health care staff. Prohibits lesbian, gay, bisexual, transgender or intersex youth from being placed in particular housing, bed or other assignments solely on the basis of their identification or status. Prohibits facility staff using lesbian, gay, bisexual, transgender or intersex youth identification or status as an indicator of likelihood of

being sexually abusive. Youth must also have access to other programs and work opportunities to the extent possible.

Prison Rape Elimination Act (PREA), National Standards for Juvenile Facilities, 28 CFR 115.378(b).

Requires that disciplinary sanctions match the nature and circumstances of the abuse committed, the youth's disciplinary history and the sanctions imposed for comparable offenses by other youth with similar histories. If disciplinary sanction results in isolation, the youth must receive daily large-muscle exercise, access to any legally required educational programming or special education services. Youth in isolation must also receive daily visits from medical or mental health care staff. Youth must also have access to other programs and work opportunities to the extent possible.

State

Child Care Organizations Act, 1973 of 116, MCL 722.112b(1)(j).

Provides the definition of seclusion.

Child Care Organizations Act, 1973 PA 116, MCL 722.112e(9).

Informs facility staff to contact the youth's parent/legal guardian and juvenile justice specialist worker, as soon as possible, when a youth has been in seclusion.

**Michigan
Administrative Code**

Child Caring Institution Rules, Mich Admin Code, R 400.4101(z).

Provides the definition for seclusion room.

Child Caring Institution Rules, Mich Admin Code, R 400.4137(1).

Permits youth to remain in their assigned rooms for up to 30 minutes to accommodate staff shift changes.

Child Caring Institution Rules, Mich Admin Code, R 400.4160.

Requires the facility director or designee to obtain written approval from the Division of Child Welfare and Licensing prior to changing facility policies related to the use of a seclusion room.

Child Caring Institution Rules, Mich Admin Code, R 400.4161(a)-(h).

Residential facilities that are approved to use a seclusion room must establish and follow written policies and procedures specifying its use. Provides the minimum requirements of what should be included in that plan.

Child Caring Institution Rules, Mich Admin Code, R 400.4162(1)-(5).

Requires that the facility director or facility director designee be informed of all instances of placement into a seclusion room within 24 hours. Requires the facility director or designee track all instances of the use of a seclusion room, length of each confinement, frequency of youth being confined, the reason for confinement and the staff who initiated the confinement. Requires a facility staff to document via log any time a youth remains in the seclusion room for more than two (2) hours. Requires administrative review above the level of the supervisor shall be completed and documented within eight (8) hours any time the seclusion room is used for more than three (3) hours.

Child Caring Institution Rules, Mich Admin Code R 400.4163(1) & (2).

Prohibits the confinement of youth in a room as punishment for misconduct except within a secure facility serving exclusively juvenile justice youth. Provides the minimum requirements of what should be included in the policy related to the use of seclusion as punishment.

Child Caring Institution Rules, Mich Admin Code, R 400.4164.

Requires secure facilities that serve juvenile justice youth to have policies and procedures in place that are used to reintegrate youth who have been placed in seclusion back into the program. Prohibits using reintegration in conjunction with seclusion that has been used as a sanction for misconduct, if that would extend the youth's confinement for more hours than the original sanction or more than 72 total hours. Provides the minimum requirements of what the

facility's reintegration policy must include. Prohibits a reintegration plan from lasting longer than 72 hours.

POLICY CONTACT

Facility supervisors or managers may submit policy clarification questions to: Juvenile-Justice-Policy@michigan.gov.